IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 116 OF 2005

IN

WRIT PETITION NO. 949 OF 2004

SANKESHWAR CO-OP.HSG.SOCIETY
(PROPOSED) & ORS. ... PETITIONERS.

VS.

STATE OF MAHARASHTRA & ORS. ... RESPONDENTS.

M.Y.JAMDAR FOR PETITIONERS.
SHAILESH SHAH I/B. VIMAL TIWARI FOR RESPD. NO.6
R.M. SAWANT GP FOR RESPDT NO. 1 TO 4
MS. A.JOSHI FOR RESDT. NO. 4

Coram : S.K.Shah, J.

Date : August 11, 2006.

P.C.

1. The learned Counsel for the Respondent makes a statement that he has already paid 20% amount of the taxes. So far as the balance 80% amount of the taxes is concerned, he says that he wants to take advantage of the Circular, dated 8th November, 2005, which is likely to be given effect retrospectively. If that is

done,he will get advantage of not paying the 80% balance amount of the taxes. If at all it is not done, he undertakes to keep one flat of the area of 1000 sq.ft. by way of security. That means in case he is required to pay the balance 80% taxes, and if he does not pay, this flat could be sold by the Corporation and the taxes could be recovered. This flat of 1000 sq.ft. would be kept vacant in the proposed building.

2. So far as the agreement, which are to be executed by the tenants, the learned Counsel for the Respondents states that he will forward the draft agreement to the tenants by Monday i.e. 14th August, 2006 and the learned Counsel for the Petitioner undertakes to go through the draft agreements within one week thereafter and the tenants would execute the agreements within one week thereafter.

3. The learned Counsel for the Respondents states that after the agreements are executed by the tenants, he will undertake the construction of the proposed building as soon as possible and complete it within 24 months from the date of the execution of the agreements by the tenants.

4. It is expected that the corporation would finalise the sanction of the plans expeditiously.

5. The learned Counsel for the Respondents further-makes a statement that the Respondent has completed all the formalities required to be completed for the purpose of getting regular water connection.

6. The aforesaid undertakings are given by the respective Counsels after taking instructions from their respective clients, who are present in Court.

7. With these observations on the basis of undertakings given, nothing survives in this contempt petition. Consequently, the contempt petition stands disposed of.

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[S.K.Shah , J.]